


QUID NOVI



Journal des étudiant-e-s
en droit de l'université McGill

McGill Law's
Weekly Student Newspaper

Volume 32, n°16
8 mars 2011 | March 8th 2011

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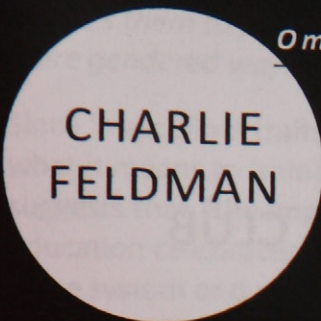
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Envoyez vos commentaires ou articles avant
jeudi 17h à l'adresse : quid.law@mcgill.ca

Toute contribution doit indiquer le nom de
l'auteur, son année d'étude ainsi qu'un titre
pour l'article. L'article ne sera publiée qu'à la
discrétion du comité de rédaction, qui

basera sa décision sur la politique de
rédaction.

Contributions should preferably be submitted as
a .doc attachment (and not, for instance, a
".docx").



CHARLIE
FELDMAN

Celebrating our Successes

There's a lot to celebrate and be proud of at this Faculty, but we just don't always know it.

Recently, students received an e-mail about the Mignault moot and our successes there – congrats to everyone involved! That said, some of the other moots had equally impressive results – such as the Laskin – or great individual awards, such as with the Gale Cup and the Sopinka. Yet, for these moots there has been no mass e-mail. And, as I write this – late-breaking congrats to the Jessup team for advancing to the finals!

I really want to celebrate the successes of my classmates and the successes of our school. I would love it if McGillers/McGilligans/McGillois here at the Faculty had more school spirit (and yes, I'm using 'school' to mean Faculty because, let's face it, lower campus may as well be Mars). I think we would if only we knew what was going on – we have plenty of people and things to be proud of, we are sometimes just left in the dark.

For example, just today I saw on the SAO site that 4L Mae Nam is the recipient of the 2011 McGill Alumni Association's James G. Wright Prize – go Mae! Had I not gone on to download the assignment cover page for the millionth time, I would have no idea.

Similarly, in observing what happens when inFocus (or I think now it's just 'Focus'?) posts things about current students; they are often re-posted on Facebook with messages of congratulations or "I had no idea you did that!" (In the interest of full disclosure, as I'm editing this I see that they now have an article up about moots but we still scoop them

on the Jessup, so bam! Score one for Quid excellence! Though, there's always that question of whether this is the same as e-mailing all students...).

Les étudiants veulent savoir ce qui se passe à la Faculté. Bien sûr, les nouvelles se font savoir avec la bonne vieille méthode du bouche-à-oreille, mais juste à regarder les affiches qui sont partout dans la faculté, j'ai l'impression que plein de choses se passent pour lesquelles je ne suis pas au courant.

Personally, I'd love to know how our intramural teams are doing. I'd love to know what our Profs have recently published. Heck, I'd even want to know about your term paper if you found out something really cool.

Some solutions in this regard are simple enough: every moot team should have an e-mail sent on its behalf (though it's not clear who is responsible for sending), and each intramural team should pick someone to write a quick recap of the game (win or lose) for the Quid (we'll for sure publish it!), and profs should get in the habit of sending us their op-eds, we'd love to read them!

Of course, this raises the interesting question of what we should be recognizing. What the Faculty highlights is a reflection of our priorities and sets a certain tone about which we must be mindful. Moots I don't mind hearing about, but maybe some people do as they place a value on oral pleading, which not everyone plans to do. By the same token, I'd love to know which students won essay competitions or presented papers – maybe others would prefer that we do not talk about these things as they could possibly create more

of a competitive atmosphere.

It's obviously a balance – I think each moot should get its fair shake, but, I don't want to be bombarded with e-mails about who took what job or passed what bar – I think this would erode the collegial atmosphere we have. While the Faculty might not want to post on its website that you won a karaoke contest, the Quid would LOVE to hear about it (obviously)!

Je ne m'attends pas à ce que la Faculté soit au courant de tout ce que font ses étudiants, ou que le Quid comble le rôle d'un bulletin de nouvelles, ce qu'il n'est pas. Nor is this to encourage a self-congratulatory Quid article because you showed up to class on time. Cependant, on doit encourager des efforts comme les Three 3s et le Community Corner de l'an passé parce qu'ils nous permettent d'apprendre à mieux connaître nos pairs et être au courant de leurs succès. Tout simplement, si votre ami fait quelque chose d'intéressant, écrivez au Quid!

This Faculty could sometimes use a little more sharing, be it in our pages or be it on pubdocs. Perhaps we just need to get in the habit of doing so (or think about best practices for doing so). I think there's a lot out there that we'd love to hear about and a lot of interesting stories to tell – it's just a matter of keeping one another in the know! At the end of the day, sharing is caring. And caring is, in the words of the recently and oft-quoted motivational speaker, Charlie Sheen, winning!!!! Although winning isn't everything... good thing the Quid already has a Pullitzer.

NATAI
SHELSSEN

LAWST & FOUND

PART 2: WOMEN'S PASSAGE INTO THE BOYS' CLUB

In the words of a female law student I interviewed:

"Law school has the effect of making you feel differently about yourself than you did before. Even I felt that, and I thought I was pretty solid. I knew who I was. But First Year was a rough adjustment. People didn't feel comfortable admitting that to anyone, though. We would all just say, 'Oh, I'm fine. Things are great. I love law school.' Bullshit. No one loves law school. It was a brutal orientation into school, and I think that they do that for a number of reasons. They break you down and condition you so that when you get out into the legal world, you'll fit. They put you down so that you're a Nobody, and you don't think you're a Somebody. And then you'll do all the things they want you to do in order to succeed. And they set the parameters of success."

And I can see how it happened. I was a very confident person before coming to law school. I was accomplished! And I came here and struggled. They do it with grades. Everyone gets their B! Law school is set up to make you question who you are. So when you talk about women behaving in certain ways in their environment, maybe they weren't like that before law school. This environment changes you in some ways. It makes you reconsider who you may have been before."

It is the provocation of these changes that I want to discuss now, before moving on to the effects of those factors on female students next week. My research findings indicate that it is (partially) the making of students-into-lawyers that provokes many of the internal changes described by female law students. These factors include the presence of the legal profession in legal education, and the ways in which students begin to conform to the 'image of a lawyer' in the way that they think,

talk and dress. These factors contribute to the valorization and emphasis of 'masculine' characteristics in legal culture.

The Presence of the Legal Profession in Legal Education

Most of the students I interviewed had a preoccupation with the legal profession. Even at McGill, most students see themselves as being trained to be practitioners. Students cannot disentangle their experience of legal education from their introduction to the legal profession. They read judgments (products of facta and pleading and legal reasoning), they moot, they attend firm-sponsored events, they carry recyclable bags, coffee mugs and USB keys emboldened with firm logos... Despite the Faculty's best efforts, students live surrounded by the overwhelming presence of the legal profession. Its (negative) influence – including its own gendered nature – is unavoidable.

Female law students look apprehensively towards the future, nervous about what it holds for them as women. As one participant said, "it does scare me that, in the next five years, I want to have kids and start a family, and I want to start working in a field that's not very warm to women." Considering how relatively few female lawyers have achieved partner status, it would seem that there isn't room for both. Nearly every single one of my female participants spoke with apprehension about what it would mean to have a family as a female lawyer, the sacrifices they would have to make, and the effect those sacrifices would have on their career.

The legal profession is not designed for the modern woman, and while things are (allegedly) changing, as it stands, legal education and the legal profession are setting women up for failure. On the one

hand, women are told they can do anything: they can go to law school, graduate top of their class, get a good job. Anything less makes them "bad" law students. But on the other hand, they are expected to put their careers on hold between the ages of thirty and thirty-five (when most young male lawyers are climbing the corporate ladder towards partnership) to bear and rear children. Anything less makes them "bad" women/mothers. It's the classic double-bind scenario, and yet little to nothing is being done in response. This tension follows women through law school and into the legal profession.

Thinking like a Lawyer

At its most basic level, legal education is training students to 'think like lawyers'. This strategy is "generally considered imperative by faculty and students alike for developing the characteristics within the legal profession's ethos, which includes objectivity, emotional neutrality, and impartiality" (Granfield, 1986, 516). I would argue, then, that the fundamental lesson of law school – learning how to 'think like a lawyer' – is more conducive to a masculine way of thinking and reasoning. There are many criticisms of this dichotomy, but many of the women and men in my study expressed these differences. As one male participant put it,

"I do think that law school teaches you to think in a certain way – we're being trained to be 'good lawyers', and to present 'good arguments'. So while I wouldn't really consider that being a lawyer is gendered, it's true that most lawyers are men, so when we're being taught to present our ideas in a legal way, it's a male way, as well. After all, most judges are men, most lawyers are men, the whole courtroom interaction is masculine. Women are dealing in a more masculine environment, so maybe law school

teaches them to present themselves in a more gendered way."

Since 'masculine' traits are tied up in what it means to 'think like a lawyer', this suggests that "the imperative of legal education celebrates and compensates a value system and mode of behaviour that would require many women to relinquish their culturally-acquired worldviews and personal morality, or face falling short on the indices through which to measure merit within the system" (Obiora, 1996, 366). Female law students are, once again, faced with a double-bind: they must learn how to 'think like a lawyer' and give up something of themselves, or risk not measuring up. Either way, the price is high. In the words of one participant:

"I think it does make you lose your femininity. I can feel it already. My way of thinking is changing. And I'll notice it sometimes, and [...] it scares me that I'm thinking in this way. Or I'll notice in my relationship, all of a sudden, that I'm analyzing and not feeling with my heart or thinking with my heart, and it's because I'm surrounded by just the law and these limited viewpoints that it offers."

Talking like a Lawyer

The words we use, as well as the themes, analogies and narratives used to describe the world construct our rhetorical vision of that world. In law school, however, this rhetorical vision takes a gendered turn for the worse when those themes, analogies and narratives are undertaken to the exclusion of women, a reality described by many participants.

One such exclusionary element is Sports Talk. 'Talking like a lawyer' seems to involve being able to quote player statistics and give play-by-plays of last night's game. Sports Talk is the default topic of conversation among many male students or lawyers at social networking events. It offers access to the Boys' Club, but often has an exclusionary effect on many women. As one participant explained, *"men automatically have something to bond over, so they have an easier time gaining access to the Boys' Club. Everything is all about sports. There's a level of*

discussion that women don't have access to."

Sports Talk is a subtle form of sexism that has an exclusionary effect that makes it harder for women to get into the Boys' Club. It is likely unintentional, and men are probably unaware of the discomfort they may be causing women. That is not to say that women are not or cannot learn how to become fluent in Sports Talk, but many women aren't. Sports Talk becomes exclusionary when this lack of fluency becomes clear and no effort is made to draw women into the conversation. Sports Talk is sexist when it is undertaken to the exclusion of women.

A second exclusionary element is gendered speech style. It has long been posited that women and men's speech is motivated by different goals. These goals – connection for women, and the transmission of factual knowledge for men – result in different speech styles and patterns. The informative speaker chooses the most direct route, using concise, clear and declarative sentences, thereby conveying authority. The connected speaker, who seeks a connection with the listener, does not convey authority; the speaker is more deferential towards the listener. This theory suggests that women are more likely to express agreement with others, to ask for opinions and to pause to allow others to contribute to the conversations. These traits are not associated with persuasiveness.

Law school trains speakers to adopt speech patterns consistent with 'men's language'. Persuasive speech is direct, to the point, unambiguous and declarative. One male student said that, *"in order to succeed in this environment, you need to adopt certain male approaches. Men and women have different ways of speaking. Even little things like the tone of your voice, or different ways of ending sentences... When we're given ties for how to plead, it's a male way of speaking. Socially, it comes across more forcefully."*

However, when women try to take on typically 'masculine' characteristics in a legal environment, they may face resistance. One female participant told this story:

"When a friend of mine finished her Second Year moot, a lot of her feedback was that she was too aggressive and bordering on hysterical. And she was like, 'I need an example of what a strong female pleader looks like because I don't think I look that different from my male partner who was standing behind the lectern giving an impassioned speech. And because I speak loudly, and I'm not afraid of speaking loudly, and because my appearance is that of a diminutive woman, it's jarring for the bench. And if I'm ever going to be expected to perform these gender norms, I need at least to know what they are and why they are.'"

Female law students, simply because of the way they have been socialized to communicate, may therefore be at a disadvantage compared to their male counterparts, both because many women do not naturally speak 'men's language', but also because it may not look natural when they do.

Dressing like a Lawyer

When I had to start shopping for suits, I found the experience excruciating. What struck me first was just how hard it is to find a professional woman's suit. There are stores full of men's suits, and yet women's sections are filled with fitted skirts and cardigans, with a relatively small collection of women's suits. What struck me the most, however, was what the women's suits looked like. They were either too sexy or fit like a brown paper bag. It seemed to me that my options were either to be sexualized or to lose my femininity altogether. What a metaphor!

As I deconstructed this experience, I began to conceptualize the performative aspect of the legal experience. It looked like this: in order to fit into the image of a 'lawyer', you must either be (a) white, (b) privileged, and (c) male, or at least appear as such. Students must perform to the extent that they are deficient of these characteristics. The more characteristics they are "lacking", the harder it is to "fit" the image of a lawyer, and the harder they have to work at it. Doing law school is difficult enough, without the performative dimensions of 'doing gender' or doing race!

LAWST & FOUND: CONTINUED...

Women struggle with the need to conform to 'the image of a lawyer'; they're not sure if "we're supposed to be looking like a male lawyer, or if we really have to identify ourselves as being female. We have to be some sort of perfect woman who's dressed up in a suit." One of the major challenges facing women law students who assimilate to this image is the "mismatch between the qualities traditionally associated with women and those associated with professional success. What is assertive in a man seems abrasive in a woman, and female leaders risk seeming too feminine or not feminine enough" (Rhode, 2007, 621). The irony,

then, is that even as women adapt and assimilate to the 'image of a lawyer' and make the sacrifices that come along with that assimilation, they may still be viewed negatively compared to their male counterparts.

These four factors – which highlight the emphasis on masculinity and masculine traits in law school and the legal profession – contribute to the price women pay as they make their way through law school. Next week, we will look more closely at what effects these factors have on women in law.

Law III

JEFFREY
BAGG

HOW FAR CAN THE CHARTER GO? OMAR KHADR, THE ROYAL PREROGATIVE AND THE SUPREME COURT OF CANADA

Last year's Supreme Court of Canada decision in the case to repatriate Omar Khadr from the United States has caused no shortage of debate across the political spectrum. Legal scholars have begun, and will continue, to analyze the case.

On **Tuesday, February 8th from 5:00 - 6:30 pm**, the Comparative Constitutional Law Society (CCLS), the McGill International Law Society (MILS) and the Human Rights Working Group (HRWG) hosted a panel discussion on that decision and its political and legal aftermath with Prof. Evan Fox-Decent (of McGill) and Prof. Kent Roach (of the University of Toronto).

The panel discussion was an effort to shed some light on Mr. Khadr's case and the SCC decision. Some of the issues discussed were: Mr. Khadr's entitlement to a

remedy and the subsequent action (inaction) of the Executive; the relationship between the SCC and the executive; the applicability of the Charter in this situation and analogous situations; and the human rights and constitutional questions raised by CSIS involvement in Mr. Khadr's interrogation at Guantanamo Bay.

The panel discussed not only the Omar Khadr case but also precedent cases such as Operation Dismantle in an effort to flesh out where jurisprudence, with respect to the royal prerogative over international affairs, has moved from. There was also a discussion about how the courts attempt to engage the Executive and Parliament in a dialogue and whether the Khadr case represents such an example.

The discussion was quite interesting and I hope the panel helped foster discussion on the role of the Charter and the treatment of Canadian citizens by the Government of Canada, and also, on the interaction between the Supreme Court of Canada and the Executive. The issues are important when one considers other cases, the Afghan detainee case for instance, and in light of Canada's continued involvement in Afghanistan and elsewhere around the world.

Thanks to the LSA/AED for providing funding to the CCLS and helping to make this event possible. Thanks also to MILS and the HRWG for their support and the organizers for the event.

IAN
CLARKE

Law I

THE 3 THREES OF THE WEEK

Three minutes with...

Graham Splawski
LSA
1L Co-Prez



Ian: Hope everyone had a relaxing reading week and is ready for the hectic exam crunch looming upon us! As my column is not nearly enough to sustain the mental well-being of our faculty, I have brought in the LSA rep who is in charge of bringing back the funk! Unfortunately, we could only bring in the lesser of the two 1L Prez's, Graham Splawski!

Graham: Thank you for that riveting intro Ian...

Ian: So Graham, other than hosting the year-end parties, do you actually do anything else?

Graham: All the LSA Year Presidents are mandated to host a town hall at least once per year. These events are designed for our constituents to bring comments and criticisms concerning their experience in the Faculty. The 1L's meeting is tentatively set for the last week in March with special guest Dean Jutras.

Ian: Ugh, but can you actually do anything tangible like improve my chances on getting a job?

Graham: Thanks for the slowball question Ian. Yes we can! On March 9th, Emily and I have organized a dinner interview workshop with a professional consultant who will explain proper dinner etiquette and how to present yourself in an engaging manner to potential employers! This event is open to all years as a tool to help with firm recruitment!

Ian: All years?! Whoring yourself out here Graham!

Graham: Ian, Ian, don't be too greedy! It's more like we are just trying to diffuse 1L awesomeness to other years. I'd say that we are role models of the faculty.

Ian: And there goes half my reader base! Last question for ya, how would you recommend people get involved with the LSA?

Graham: Well there are the LSA exec and Year Reps elections that will be happen near the end of March. However, another great way to become involved is to apply to sit on one of the million committees. There are many different portfolios ranging from, Skit Nite, Admissions and Law Games. Apply and become involved in shaping the McGill Law experience!

Or if you only want to be involved a little bit, send me a message for ideas concerning the end of year party!

The Three Stars

1. Reading Week

Whether you were lucky enough to head south to the beaches or if you took in the Nuit Blanche festivities, reading week was just what the doctor ordered. With the batteries recharged, it's time to tackle the last month of classes. I've just always wondered why the break is called "Reading" Week...

2. Free coffee at McDonalds

Yes, corporations can indeed use gimmicks to enjoy free advertising space on my irrelevant column. Case in point, I will be trading away my usual Law Café coffee addiction for the free 'burnt-toast' flavoured version at McD's. Mmm, love the caffeine addiction!

3. Human Rights Month

Definite shout-out goes to the McGill Human Rights Working Group who organized the whack-load of events happening this month. From a Speed Meet Career Fair for Immigration and Refugee Law to a lecture on the International Criminal Court, there is a flurry of activities for all those interested in this field!

The Three Losers

1. T-FAB

For the large majority of you that have a functional mental spam filter, this will not pertain to you. To the unlucky few that must read every e-mail in your inbox, you have no doubt come across the ramblings of the infamous T-Fab. Aside from the unintelligible ramblings about his love life, who would ever voluntarily nickname themselves T-Fab? Gah!

2. Charlie Sheen

By far the hardest decision I've ever made as I struggled to classify him as either a loser or star. How can't you be a champion with such classics like "I'm on a drug called Charlie Sheen...if you try it once, you will die. Your face will melt off and your children will weep over your exploded body."

3. The Finger-Raise (Guest submission)

Let's do it together! Point your fingers to the sky, and extend your arm allllllll the way till your elbow is locked (or almost). THAT is a hand-raise. A solitary finger says, "I am too cool to bother with the whole arm thing, and the prof should be hanging on my every word for my next genius idea." Mmm maybe not so much.

On that note, if you have something that floats your boat or grinds your gear, send me an email at clarke.iane@gmail.com. Who knows, you may have the next big gripe that reunites us all!

MICHAEL
SHORTT

Law II

NOT ROCKET SURGERY: SO YOU WANNA BE A BOUTIQUE LAWYER?

Intellectual Property, Animal Law, Child Welfare, the Environment, Entertainment and Sports Law... all of these are fairly specialized areas of law. As a result, McGill offers a few (IP) to one (Sports Law) to no courses (currently, Animal Law) dealing with these topics and jobs in these fields may be even rarer. This week's NRS looks at ways to boost your knowledge of and resume qualifications for these more specialized areas of the law.

1) Pro Bono McGill: Pro Bono assignments can be a great way to gain practical experience in a field that interests you. Volunteers generally apply for positions at the beginning of the year, but even if you are not placed then, sometimes positions will be advertised on Notice Law. You can also take the initiative and tell Pro Bono what fields interest you - they will keep your name on record in case something comes up. Pro Bono placements in specialized fields will help you gain experience while also giving something back to the community. And they may also result in great contacts for your professional career. For example, I saw a position advertised on Notice Law to work with a street newspaper, and after applying I had the opportunity to work with them on trade-mark issues.

2) CDO Guide: Our recent CDO Career Guide is an amazing resource and something everyone should check out (<https://home.mcgill.ca/cdo/publications/>) if they haven't picked up a copy already. Reading it is a great start for your future career preparation.

It includes, among other things, short sections on various areas of the law (see Chapter 7: *Pratique privée*). Some of these sections are more detailed and

more accurate than others. Many could benefit from additional information gathered from practitioners in the field. For example, I'm currently working on an update to the IP section based on interviews with McGill profs who worked in IP prior to teaching.

If there is a section that interests you (such as the aboriginal law) why not ask Catherine Bleau if you can submit a revised version? She has been very supportive of this idea, and is planning to include these revisions in the next edition. Alternatively, why not suggest additions to this chapter? (There is currently no entry on Animal Law, for example.) In either case, this will give you a chance to familiarize yourself with the field and to interview practitioners or professors (at McGill or in the wider legal community) - all of which will contribute to your knowledge and networking opportunities. And what better topic to mention in a cover letter or interview than "I contributed to the McGill career guide's entry on X, the field of law in which this firm excels."

3) Student Initiated Seminar: McGill allows a certain number of student-initiated seminars to be held each year. The process for these seminars is to prepare a syllabus, find a sponsoring professor, and apply to the Vice Dean Academic (i.e. Professor Lametti). These seminars are pass-fail courses typically designed around student participation and presentation of research papers. Past or proposed topics have included legal epistemology, food law, and sexual assault. This year a group of students is putting together a seminar on statutory interpretation to fill the void left by Professor Klinck's retirement.

Creating a seminar related to your area of interest shows great initiative; it will also

require you to familiarize yourself with the research literature, case law and statutes relevant to the topic; and finally it demonstrates to employers that you are highly interested in the topic.

4) Book reviews and Case Comments: When I was in grad school, professors constantly reminded us that book reviews were an excellent way to build a publication portfolio. This applies equally in law. Why not check the library's newest acquisitions (often displayed in the lobby of Nahum Gelber) to see if any concern a field that interests you? If they do, you can read the work and prepare a short book review or book note and submit it to legal journals.

There is also a list of books received by the MLJ for review in Volume 55, issue 4 of the Journal (most of which are in French), and if Law is anything like Political Science, reviewers get to keep the books they have reviewed! The MLJ encourages students to submit such book reviews, and provides instructions here: <http://lawjournal.mcgill.ca/contributions.php>.

Case comments are another great way to get publication experience without incurring an impossible time commitment during the school year. Instructions are available at the same URL as above. Case comments can also be submitted to law blogs maintained by students, such as McGill's IP blog (<http://rip.mcgill.ca>), Legal frontiers for international law (<http://www.legalfrontiers.ca/>) or the MJLH's health law blog (<http://mjlh.mcgill.ca>).

THIBAUT-
JEAN
BINET

McGill Exchange Student 2007-2008

SUPPLÉMENT AU VOYAGE DE VINCENT BOCA - OU LES RÉFLEXIONS D'UN PRÉDÉCESSEUR

Le retentissement des publications du Quid Novi peut se faire entendre à travers le temps et l'espace ; c'est ce qui est arrivé récemment, lorsque me sont parvenus les échos de la joute écrite entre Vincent BOCA, étudiant en échange de l'Université Paris 1 Panthéon-Sorbonne accueilli au sein de l'université McGill au cours de la session d'Automne, et les autorités de l'Université Paris 1. J'ai été doublement touché par ce différend. J'ai moi-même eu la chance et l'honneur d'être accueilli une année durant à McGill dans le cadre d'un échange avec l'Université Paris 1 ; et c'est à mon retour en France que j'ai travaillé pendant un an à la Maison Internationale de Paris 1 en tant que tuteur, année pendant laquelle j'ai rencontré – et aidé à ma modeste mesure - un candidat très enthousiaste au départ pour Montréal : un certain Vincent BOCA.

I thus feel reasonably able to express an opinion about this dispute. Having studied for no less than four years at Université Paris 1 and having spent one year at McGill, I felt greatly honored to attend lectures in these two venerable and well-known institutions – and learned a lot from both. Even though atmosphere, educational features, buildings and surroundings (not to mention the shape of services offered to students) are quite different, both experiences meant a lot to me and helped the student I was to become the professional I have become.

De manière évidente, les systèmes d'éducation supérieure du Canada et de la France sont tributaires d'histoires, de choix sociaux et politiques, et de contextes très différents. Que ce soit en terme de dotation par étudiant, de sélection (ou de son absence), de nombre d'étudiants ou encore, plus prosaïquement, de disposition des locaux en campus ou disséminés à travers la ville, les universités

françaises et canadiennes sont relativement peu comparables.

I can understand how easy it may seem to criticize French universities when one discovers the wonders of their North American counterparts. It is simply amazing for a French student to discover infrastructures like McGill's wonderful Law library, Nahum Gelber, or the tremendous care McGill staff have for its students. To write this article, I re-read a large amount of letters, emails, and other texts I wrote when I was in Canada. I was clearly fascinated with McGill.

Cependant, il est un peu rapide de s'arrêter à cette première impression; la qualité première d'un établissement d'enseignement supérieur ne peut évidemment pas être jugée à l'aune de ses infrastructures matérielles, de l'ampleur du personnel dont il dispose ou de la disposition géographique de ses bâtiments. Si je suis aussi fier et heureux d'avoir étudié dans ces deux universités, c'est avant tout parce qu'elles dispensent toutes les deux un enseignement de grande qualité.

Concerning the dysfunctions my fellow citizen pointed out within Université Paris 1 Panthéon-Sorbonne, I cannot honestly say he was mistaken about everything. French universities have long been the forgotten branch of higher education, and have suffered for decades in the competition with the other branch of higher education, French grandes écoles. Allowed to (and even structurally obliged to) operate a selection process before accepting a student, these institutions enjoyed a better reputation than Universities did, and have been the main receivers of public subsidies for education, leaving a disproportionately smaller amount for universities. In 2009, the French state spent 45.3%

more per student in grandes écoles than for a public university student. To have a proper picture of the situation, one should also take in account that French universities were not able to administer their own budget – and thus to prioritize – until 2008; considering this context, I would rather pay homage to the community of teachers who successfully maintained the quality of teaching and the international reputation of the venerable institution founded in 1257 by Robert de Sorbon.

Mon jeune concitoyen a une perception qui lui appartient de l'Université Paris 1 Panthéon-Sorbonne ; il en a mis en avant un certain nombre de défauts, sans doute quelque peu ébloui par la découverte de McGill et de ses fastes. Je ne lui reproche pas ; cependant, je ne doute pas qu'il ait lui-même en tête toutes les qualités qui lui ont fait choisir cet établissement pour poursuivre ses études supérieures, et lui adresse l'amical conseil de savoir les exprimer avec la même vigueur et le même humour dont il s'est servi pour rédiger son article. Quant à moi, si l'on devait me demander pourquoi postuler à un échange interuniversitaire avec l'Université Paris 1 Panthéon-Sorbonne, ma réponse tiendrait un quelques mots : héritière de huit siècles de richesse intellectuelle, souvent frondeuse, parfois surprenante, l'Université dans laquelle j'ai eu la chance d'être formé dispose d'une réelle excellence académique ; sa principale qualité n'est pas là. C'est une école de vie.

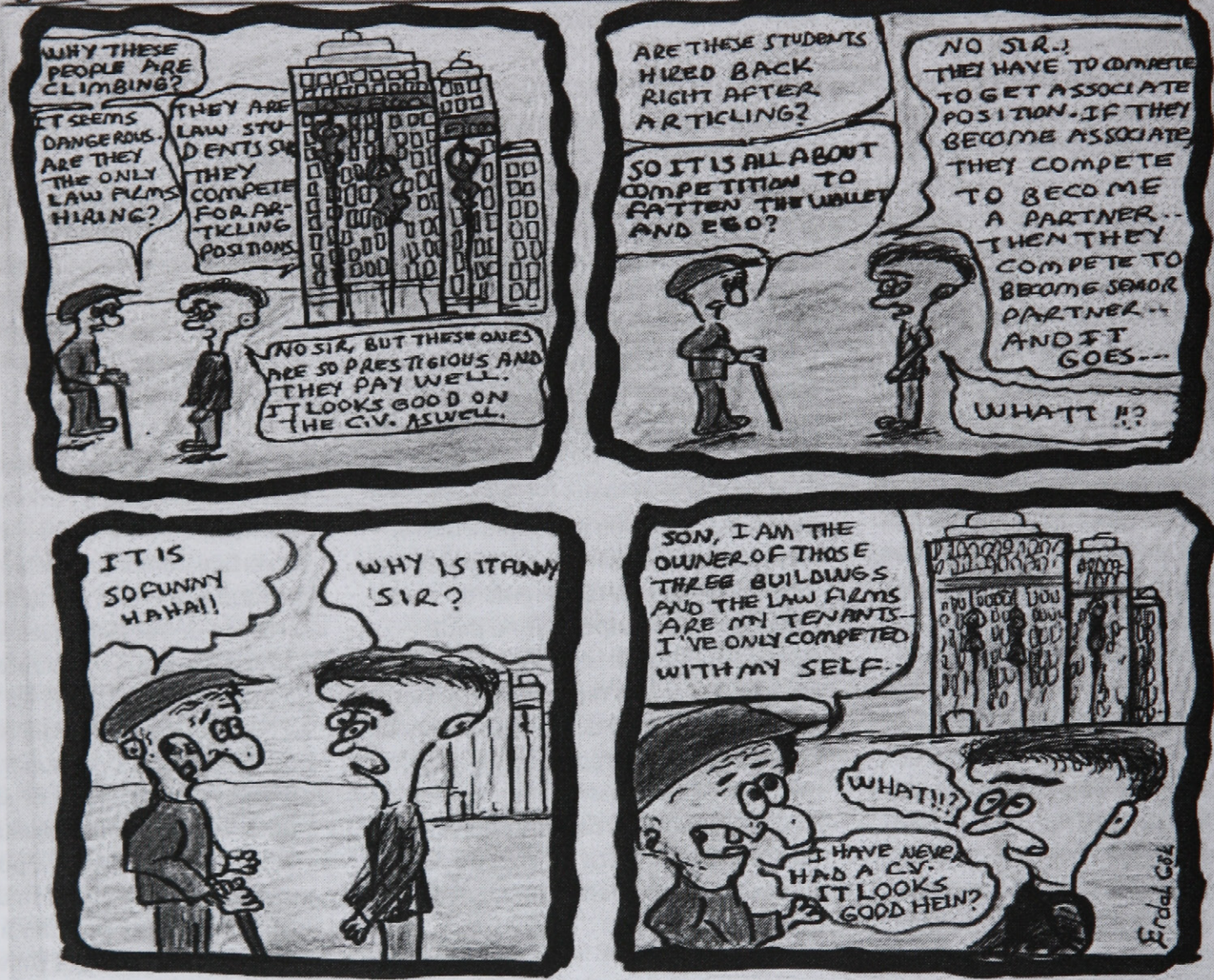
Thibault-Jean BINET

Licence en droit International et Européen
Master 2 en Droit International et
Economique

En échange à l'Université McGill pendant
l'année universitaire 2007/2008

CARTOON

OLD MAN AND LAW STUDENT



APPLICATIONS DUE FOR LEGAL CLINIC COURSE WEDNESDAY, MARCH 9 AT 3PM!

Are you a 2nd or 3rd-year student looking for hands-on experience in a legal clinic or community organization? Want to do this and earn credit this summer or next school year 2011-2012? Then apply to the Legal Clinic Course!

Applications due Wednesday, March 9th, 2011 3pm at the SAO

To apply, download the LCC Application Guide 2011-2012. La guide est disponible en ligne: <http://www.mcgill.ca/files/law-studies/App-LCC.pdf>

Si avez la moindre question, n'hésitez pas à contacter Luke Brown, coordonnateur du cours de clinique juridique (mlcc.law@mcgill.ca <<mailto:mlcc.law@mcgill.ca>> <<mailto:mlcc.law@mcgill.ca>> <<mailto:mlcc.law@mcgill.ca>>>).

En plus, une session d'information aura lieu le mercredi, 2 mars à 13h00 dans la salle 201 de NCDH, pour répondre à toutes vos questions.

THE MCGILL HUMAN RIGHTS WORKING GROUP'S IMMIGRATION AND REFUGEE PORTFOLIO,
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SPEED MEET

IN IMMIGRATION AND REFUGEE LAW

WEDNESDAY, MARCH 23rd
FROM 5:00 TO 7:30PM

MCGILL FACULTY OF LAW - ATRIUM
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ME JEAN-PHILIPPE BRUNET: RESPONSABLE DE L'ÉQUIPE IMMIGRATION ET MOBILITÉ INTERNATIONALE CHEZ OGILVY
RENAULT / ME ISABELLE DONGIER: RESPONSABLE DU GROUPE DE PRATIQUE IMMIGRATION CHEZ FASKEN MARTINEAU
/ ME KATHLEEN HADEKEL: AVOCATE POUR LA CLINIQUE JURIDIQUE JUST SOLUTIONS DE MONTREAL CITY MISSION /
ME ANDREA HWANG: AVOCATE CHEZ WAICE FERDOUSSI ATTORNEYS / ME DENISE OTIS: CONSEILLÈRE LÉGALE POUR
UNHCR À MONTRÉAL / ME NOËL SAINT-PIERRE: AVOCAT EN DROIT DE L'IMMIGRATION ET DROIT DES RÉFUGIÉS /
ME PETER SHAMS: AVOCAT ET COORDONNATEUR RÉFUGIÉS POUR LA SECTION FRANCOPHONE D'AMNISTIE
INTERNATIONALE À MONTRÉAL / ME JARED WILL: AVOCAT EN DROIT DE L'IMMIGRATION ET DROIT DES RÉFUGIÉS

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CLA-ACE UPDATE

Canadian Lawyers Abroad-Avocats Canadiens À L'Étranger (CLA-ACE) provides opportunities for the Canadian legal community to become more actively involved in understanding and providing solutions to pressing good governance, rule of law and human rights issues. As part of its mandate, it aims to raise awareness about pressing international legal issues; this year's theme being children's rights. CLA-ACE also works to give Canadian law students the opportunity to work with national and international organizations in the areas of good governance, the rule of law and human rights. This summer, one McGill student will be heading to Sri Lanka to work in the area of good governance.

A Note on Children's Rights

In 1973, Hillary Rodham Clinton famously stated that "children's rights" is a slogan still in search of a definition." Although to date there is still no universal consensus about what rights children should possess, or about whether we should conceive of children as rights-bearers at all, the adoption of the Convention on the Rights of the Child (UNCRC) in 1989 certainly provided the world with some welcome guidance in this area.

The prevailing model of advancing the interests of children is through a rights-based approach. Under a rights-based model, children are considered individuals with their own set of interests and opinions, rather than mere objects of concern that need to be protected. The rights-based model acknowledges the capacity of children to enjoy autonomy as they mature, while still accepting that, in some circumstances, the vulnerability of childhood requires that measures be taken on behalf of the child in order to protect his/her rights.

The UN Convention on the Rights of the Child ("UNCRC") outlines a comprehensive system of children's rights and has been ratified by all of the UN member states except the United States and Somalia. Though some of its provisions are general and are meant to guide further action by domestic legislators, many of its articles were designed to be directly incorporated into domestic law. Generally, the UNCRC sets out four main principles: non-discrimination, upholding the best interest of the child, the right to life, survival and development, and participatory rights to ensure that the child's views are respected.

Although the UNCRC has obtained almost universal ratification, its implementation at the domestic level remains the exception rather than the norm. This has left children across the globe living in poverty without recourse, sold into the sex trade by desperate parents, or even facing torture or the death penalty at the hands of the state. Without incorporation at the national level, its provisions are rarely directly enforceable by domestic courts. Therefore, if judges wish to use a substantive, rights-based approach to children's issues, they may have to embrace the values of the UNCRC while acting through domestic human rights legislation like the Charter of Rights and Freedoms or the British Human Rights Act. ** For more information, please see the full report at: <http://www.cla-ace.ca/2010-11AnnualTheme.pdf>

A Note on the Student Internship in Sri Lanka

This year's intern will be working with the Asia Foundation in Sri Lanka.

The Asia Foundation is a non-profit, non-governmental organization committed to the development of a peaceful, prosperous, just, and open Asia-Pacific region. Drawing on nearly 60 years of experience in Asia, the Foundation collaborates with private and public partners to support leadership and institutional development, exchanges, and policy research.

The Foundation's programs in Sri Lanka, which date back to 1954, seek to strengthen democracy, human rights, and access to justice; support community healing; promote greater citizen participation in policymaking and governance; and encourage private enterprise development. In Sri Lanka, the Foundation seeks to promote peace by addressing the root causes of conflict. An essential element of this approach is to work at the local level with local government authorities and civil society organizations.

CLA-ACE On Campus

Last Tuesday, CLA-ACE's McGill chapter held a trivia night as part of its mandate to educate students about human rights issues - and this year, in particular, about children's rights. On Thursday, March 10th, the chapter will be hosting a fundraising coffeehouse that builds on this theme. We'll be taking you back to your childhood with music from the 90s, and treats like pizza and brownies. So come out and help us raise money for our internship program!

ANNABEL
BUSBRIDGE

A Big Event Happening at UdeM

The Canadian Lawyers Abroad committee, Udm Chapter, is pleased to announce that **Canadian Counsel for Omar Khadr, Dennis Edney, will be speaking at l'Université de Montréal on March 24th 2011.** I know we've all been bombarded with news regarding this subject, but if you have to choose one conference to attend this year, choose this one. Not only will the discussion be fascinating, but a fabulous orator will lead it. Mr. Edney will be speaking about Omar Khadr's case and how it relates to the UN Convention on the rights of the child in addition to his reaction to the Supreme Court's most recent decision and the legal missteps made by the Canadian government.

Originally from Dundee, Scotland, Dennis Edney is a Canadian defense attorney based in Edmonton, Alberta. He is noted for his involvement in high-profile and complicated cases. Omar Khadr's case, for example, was argued before Canadian and U.S. courts

as well as in front of military tribunals.

A question and answer period will follow the discussion.

Haven't you always wanted to know what Guantanamo Bay is really like?

Tickets are 5\$ for students, 10\$ for adults and can be purchased at any time from Paul Girard or from our booth at the CLA-ACE Coffee House on March 10th. They are also available online at : www.ace-udm.info/en.html

Seats are limited so pick up your tickets today!

The event is taking place on **March 24th 2011 from 4 to 5:30pm at 3200 Jean Brillant in salle Jean Lesage B-2285, Université de Montréal.** (from McGill just take the 165 bus from Cote-des-Neiges and Doctor Penfield)

CANADIAN LAWYERS ABROAD

PRESENT

DENNIS EDNEY

DEFENCE ATTORNEY FOR

OMAR KHADR

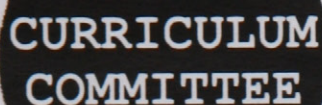
MARCH 24, 2011 4 TO 5:30PM

3200 RUE JEAN-BRILLANT ROOM B-2285

\$5 STUDENTS 10\$ REGULAR

TICKETS ARE AVAILABLE AT THE DOOR AND ONLINE

WWW.ACE-UDM.INFO



CURRICULUM COMMITTEE

Committee

CURRICULUM COMMITTEE WANTS TO HEAR FROM YOU...

Have you ever pondered “wow, that course was great!” or “man, that course was a drag!” and thought that filling out the course evaluation was just not enough? Or how about “there aren’t enough courses on social justice [Or maybe business law?].” Do you think there could be overall improvements to McGill law curriculum? Well, we’re here to listen! “We” being your student members of the curriculum committee.

The curriculum committee is comprised of faculty members, key administrators, your VP-academic and one or two students ‘at large’. The committee works on all matters relating to the curriculum. These can include course scheduling, class sizes, as well as bigger issues such as curriculum reform.

This year we have two active subcommittees. One subcommittee is investigating the differences in words counts for written assignments in French versus English. Another subcommittee is looking into the harmonizing of our clinical legal education opportunities, from Human Rights Internships, Legal Clinic Courses, Clerkships and Major Internships. The committee also has ongoing conversations on how and when to incorporate innovative pedagogies such as experiential learning.

Another issue raised this year relates to how the faculty should regulate part-time status. At the moment, part-time status is a granted on an exceptional, case-by-case basis by the Associate Dean (academic). Should the faculty have a part-time option available? We have been also working on expanding the weighting of Wills and Estates from two to three credits and reducing Sale from four to three credits. Last year there were changes made to the second year curriculum: an extra credit was added to legal methodology and its name was changed to “Legal Ethics and Advocacy.” So for 2Ls out there, how has your learning experience been this year?

We encourage you to get in touch with your student colleagues (Aaron.Lindh@mcgill.ca or Andrew.Deak@mail.mcgill.ca) to express any thoughts you have on your legal education. We can bring your concerns to committee meetings and advise you on how to go about pursuing curricular reform. And of course, the Quid is as good a place as any for engaging in a dialogue on our McGill legal education!

Aaron Lindh (4L)
Andrew Deak (4L)



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JOHN-ANDREW
PETRAKIS

Member of APLAM

TRAVAILLER EN ASIE : UN INVESTISSEMENT STRATÉGIQUE

De son propre aveu, Catherine Dupuis a toujours été une fille pleine d'énergie. C'est peut-être ce qui explique sa décision, à l'âge de dix-sept ans, de se joindre à une mission économique en Chine pour les étudiants organisée par Vision Internationale, un projet du gouvernement fédéral. Cette expérience a été un point tournant dans la vie de Catherine : impressionnée par le dynamisme économique de la région et l'optimisme des professionnels locaux et expatriés qu'elle y a rencontrés, elle a été convaincue que la Chine jouerait un rôle crucial dans le monde de demain. Suite à cette aventure, Catherine s'est enrôlée dans le programme de gestion à McGill (Bachelor of Commerce), choisissant une spécialisation en finance mais également une concentration en langue chinoise. Au cours de ses études, elle est allée en échange pour deux semestres à la prestigieuse Hong Kong University of Science and Technology; elle y a aussi profité pour travailler chez la Chambre canadienne de commerce à Hong Kong, rencontrant plusieurs Canadiens expatriés. Après son échange, pendant l'été 2006, elle a fait un stage chez un fonds de capital-investissement à Beijing, avant de retourner à Montréal pour compléter son baccalauréat.

Une fois le diplôme en main, Catherine a passé une année à Toronto en tant qu'analyste en finance corporative pour la Banque de Montréal, avant de repartir pour l'Asie. Au sein de la Chambre de commerce canadienne à Shanghai, elle a assisté le maire de Montréal, Gérald Tremblay, lorsqu'il a mené une mission économique dans cette ville. Par la suite, elle a travaillé à Hong Kong pour Quam Capital, une plateforme d'investissements collaborant avec des compagnies canadiennes qui cherchent du financement en Asie. Après son troisième périple en Extrême-Orient, Catherine est venue nous rejoindre à la Faculté de droit à McGill!

Lorsque j'ai demandé à Catherine des conseils pour les étudiants et jeunes professionnels intéressés par cette région du monde, elle m'a indiqué qu'il est possible de réussir en Asie sans la langue, mais qu'une bonne connaissance de la culture est indispensable. Elle a remarqué, par exemple, que les affaires se déroulent sou-

vent à la table en Chine. Pour faire une bonne impression chez un nouvel associé, rien de mieux que de commander un mets typique de sa ville natale! En fait, l'amitié vient en premier et les relations d'affaires par la suite dans cette culture; c'est l'inverse de ce qui se passe au Canada! La chaleur et l'ouverture des gens ont grandement marqué Catherine au cours de ses voyages dans la région. L'un des souvenirs les plus chers qu'elle garde de ces expériences est d'avoir passé le Nouvel An chinois chez une famille chinoise : ses hôtes lui ont même remis l'enveloppe rouge, cadeau traditionnel pour cette occasion.

Toujours débrouillarde, Catherine s'est également affairée à mettre en pratique son intérêt pour l'Asie à Montréal même. Lorsqu'elle travaillait à Beijing, elle a rencontré un jeune avocat canadien qui lui a confié que plusieurs jeunes professionnels à Montréal avaient un intérêt pour l'Asie, mais qu'il manquait une plateforme pour les rassembler. C'est pourquoi, en 2007, Catherine s'est jointe à six autres avocats à Montréal pour fonder l'Association Québec-Asie pour le Droit et les Affaires, mieux connu par son acronyme AQADA (en anglais, il s'agit de QALBA, le Quebec-Asia Law and Business Association). Financé par plusieurs bureaux d'avocats, cet organisme rassemble des jeunes professionnels et étudiants qui partagent un intérêt pour l'Asie et organise plusieurs événements sociaux auxquels participent des gens des domaines public et privé. AQADA est affilié avec plusieurs autres groupes, tels l'Association de droit de l'Asie Pacifique à McGill et le Conseil commercial Canada-Chine, afin de sensibiliser le plus d'individus possible aux opportunités qui existent en Asie. Le succès de cet organisme a convaincu Catherine qu'il n'est pas nécessaire de déménager en Asie pour participer au développement économique de cette région. Bien qu'incertaine de ce que l'avenir lui réserve, elle m'a indiqué qu'elle commencerait sa carrière à Montréal suite à l'école de droit, tout en tirant profit de ses expériences et contacts asiatiques. Il est néanmoins certain que, tant qu'elle demeurera à Montréal, Catherine continuera à partager son amour contagieux pour cette région avec ses amis et collègues.



Law I

EVERYTHING IN FLUX, EVERYTHING IN CREATION

We are often taught that underlying either of the two primary legal traditions is a logic, or order, that amounts to a coherent 'whole'. The fact that there are rules, tests, and doctrines which judges apply with consistency is a comforting feeling. It gives us the impression that we are being guided by something beyond our own immediate being; a maternal figure, a guardian angel perhaps. Who is this angel luring us in with the harmony of her harp, and what is her nature? Maybe she is in reality a harpy, ugly and disagreeable, tantalizing us with a feast that was never meant to be eaten. How sweet and soothing the sounds of the sirens must have been to the ears of those searching sailors, at least until their ships smashed into the rocks with the same grating screech of a modern noisemaker: a siren.

I would be willing to support the theory that discordance underlies the law, as it does science, and that harmony is a fiction. Harmony itself is an elusory phenomenon, and to try to fix it in suspension indefinitely requires nothing less than a delusion of the mind. It is something of a paradox that, historically at least, the further people construct and impose elaborate patterns onto nature itself, the greater dominance they will acquire over it. We can attribute our success in technology to these ideas.

Techne + logos: where craftsmanship and technique meet with the order of a string of self-referring concepts.

Ontology: the philosophical study of the nature of being, existence, or reality as such, as well as the basic categories of being and their relations.

An ontological assertion is basically what determines whether what you are looking

at is a glass that is half full, or a glass that is half empty. It sets boundaries around a phenomenological experience in order to render it more manageable. If you try to put yourself in the shoes of a 17th century Natural Philosopher (the precursors to modern scientists) and try to ponder the existence of a void, you will understand something about the ambiguity inherent in nature. If I have an object, say a small particle or material, separate from another particle or material, what actually exists at the point of interception between these two units, or wholes, to separate them? If it is merely another entity, then what is to separate this third element from the other two? This chain of questioning can extend infinitely.

Some, like Descartes, were therefore led to the conclusion that the entire universe was full of material (plenum), which required the further assertion that space itself was nothing but an extension of matter. There is no space separate from matter. Newton disagreed – indeed none of Newton's laws would have come about had he not constructed an ontological framework of the world which allowed for the existence of the void, even if there was no proof either for or against that assertion.

This ability to construct these conceptual grids, which are aimed at instilling order on an otherwise chaotic World, is something that interests social anthropologists. Where did men find the time or patience to experiment with their own minds in this matter, and what were their motives? In the *Genealogy of Morals*, Nietzsche analogizes the weak men of the primitive ages to a fish caught floundering upon dry land. It is tragic to admit that often the fuel for discovery often comes from suffering itself. No, the evolutionary process

probably did not resemble that Darwinian stop-motion animation where the sea creature miraculously crawls out of the ocean, onto land, ready to commence its uninterrupted march up the teleological 'chain of beings' before reaching its inevitable apex: Man. In actuality, it was forced to adapt, often brutally so. When one's environment changes to no longer suit one's own physiological parts, they no longer remain tools, but become defects. Similarly, the man of stupidity, ugliness, weakness, and cowardice is a man out of his element in the primitive world of slavery, where might equals right.

Nietzsche believed that these men had only one recourse: to turn inwards. If the outer, physical and behavioural attributes which at one point in anthropology characterized 'virtue' were not blessings, these men were forced to direct their energy onto the one organ capable of radical mutability: the brain. Hence the rise of brooding and scheming, techniques Nietzsche associated with the early priests, who he believed came to overthrow the power of the very masters they themselves had once been subdued by. What followed was a revolution in values: the idol of Mary replaced the idol of Dionysius. The lamb replaced the lion. Meekness replaced pride.

We witnessed early glimpses of this transformation with the persistence of early Jewish cults, before it began to flourish into a full-fledged religion in the form of Christianity under Constantine's Empire. The success of monotheism has grown up alongside Reason itself. Both assume the existence of a universal, unifying order, and both trick themselves as to the correctness of their prescriptions by reference to the self-evidence of their own assumption. What is striking about Abra-

hamic theologies is the synthesis they seek to attain.

It is this same obsession with order that characterizes Platonism in philosophy, hence why the two are often associated with one another. In Book III of *The Republic*, Socrates' main qualm with the Homeric Gods is with the inconsistency of their values. The dialogues in Plato's work as a whole culminate in the creation of an 'intelligible realm' where 'forms' allegedly represent everything down here in the 'material realm' in their perfection. Both are subsumed under the symbol of the sun, which offers the perfection and completeness of a circle and the wisdom of light. Yet, a circle can never perfectly be a circle, at least on earth, for it is only marginally perfect to the extent it can capture the endlessly precise nature of the number π . This doesn't stop us from making use of the wheel. A wheel only needs to be circular to the extent that it accomplishes the function it is meant to accomplish. The same holds true in science more generally. It only needs to narrow the definition of an atom (typically with mathematics) to the specificity demanded by the rigors of a scientific method it has created for itself. The same holds true for religion. Its answers to the question 'Why?' must only be comprehensive enough to satisfy the intensity of an era's curiosity and willingness to inquire.

The law is no different. The content of laws must reflect the values that people themselves hold. Similarly, the methods of interpretation and lines of reasoning used by the judicial institutions must follow courses of reasoning familiar to the society in question. These values and

forms of reasoning may appear stable or unstable depending on the time-frame of reference one relies upon. We may call equality of the sexes a universal truth to the extent that it has received acceptance over the course of the past half-century. More broadly, we may call religious tolerance a universal value to the extent that it has become normative since the French Revolution. More broadly still, we might call murder a universal wrong to the extent that this viewpoint has likely been shared by all humans at all points in recorded history. Yet, here is where the theory of evolution poses a large dilemma. By giving weight to the idea that everything defining an organism, including the various nuances within and between species, has its source in a highly materialistic genetic structure, evolutionary theory has enlightened us as to the contingent relationship between our own value systems and our own physiological constitutions and environmental surroundings.

The law, with its incessant reliance on the reasonability principle, seems to suggest to people that the rules in question should be followed the way they are because that's how people at this particular point in time will 'naturally' follow them. Given what has just been said, I would argue that there is nothing 'natural' about anything, for the definition of any given 'thing' is constantly in flux, be it the most rudimentary distinction between matter and energy, or a clear conception of something as complex as 'human nature'. Somebody who is conscientious of this fact opens the doorway to self-control and change.

If consciousness is what comes to separate man from the animal kingdom, 'consciousness of consciousness' will certainly separate man from whatever comes next. Inherent in this idea is the ability to understand why and how one's own self operates the way it does, and possibly make changes accordingly. What is the ambition of the social sciences, with its *modus operandi*: social engineering, if not this?

A powerful exercise in 'consciousness of consciousness' is illustrated in Foucault's *History of Sexuality*, where he outlines why and how the act of a psychiatrist's questioning creates, as opposed to discovers, the mental state it is meant to aid. In this book, he draws analogies to the Spanish inquisitions where a person was made to be convinced of his or her own guilt (a guilt that was never there before), simply because of the methods used by the inquisitors.

What insight might one derive from this with respect to the processes and lines of reasoning within the common law tradition? Is it responsible for defining our values for us, or merely reaffirming what was already there? Even if the latter is true, under what conditions is it to remain true? Given our newfound 'consciousness of consciousness', what if we become aware of a better coordination of values? What if this process occurs concomitantly alongside a radical increase in humanity's ability to control and reshape its immediate material environment? Of what significance would the processes of biotechnology or genetic engineering be if they were ever to be put into effect in manners previously not contemplated?




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BREED SPECIFIC LEGISLATION: AN INTERDISCIPLINARY PERSPECTIVE.

**Tuesday,
March 15th 2011**

5:30-7:00

McGill Faculty of Law, Room 202
3644 Peel Street, Montreal



ALANNA DEVINE
DIRECTOR OF ANIMAL ADVOCACY,
MONTREAL SPCA

NICHOLAS GILMAN
FOUNDER, HUMANE LOGIC
& EXECUTIVE DIRECTOR,
MONTREAL SPCA

DR. ENID STILES
VETERINARIAN (BEHAVIOUR MEDICINE),
SHERWOOD PARK ANIMAL HOSPITAL



Student Animal Legal
Defense Fund



LSA AED
ASSOCIATION DES ÉTUDIANTS EN DROIT DE MONTRÉAL

PROF.
WILLIAM
TETLEY

FROM A CORNER IN THE LAW LIBRARY

Marko Pavliha, a student of Professor W. Tetley at the McGill Law Faculty from 1989 to 1992, obtained his Masters in Maritime Law in 1990 and his Doctorate in 1992.

Pavliha recently nominated Prof. Tetley for the "Greatest McGillian of all time".

Herewith Prof. Tetley's answer:

Dear Marko:

Thank you for your email of February 21, 2011 at 2:17 PM. It is good to hear from you.

1) You embarrass me in nominating me for the "Greatest McGillian of all time".

2) And most McGill graduates, would also be embarrassed, standing as we are in the shadow of giants.

3) There are in fact hundreds of great McGill graduates including, Ernest Rutherford, Stephen Leacock, James McGill, Sir Wilfrid Laurier, John Humphrey, F.R. Scott, Rocke Robertson, F. Cyril James, Sir William Dawson, Sir William C. MacDonald and Wilder Penfield, etc., etc.

4) My personal choice is Sir Wilfrid Laurier, Prime Minister of Canada (1896-1911), who continued to do so much, thereafter.

5) Isaac Newton said: "if I have seen a little further, it is by standing on the shoulders of giants." I and most McGill grads have been standing on the shoulders of the giants listed above, and others.

6) Your view of McGill from Slovenia is a long one, beginning with your studies here at McGill, as a graduate student of mine. Eventually, you earned an excellent Doctorate (1992) whilst also learning English!!!

7) It is flattering to be remembered by such a successful student, in his own right, as now a full Professor of Commercial, Transport and Insurance Law at the University

of Ljubljana, Slovenia; as a Visiting Fellow at IMO IMLI (Malta); as a Secretary General of the Comité Maritime International; as Minister of Transport in the Slovenian Government; as Deputy Speaker of the Parliament of the Republic of Slovenia, etc., etc.

Thank you, nevertheless, for thinking of me.

Best wishes and please keep in touch,


William Tetley

Tetley's book: "The October Crisis, 1970: An Insider's View" has been republished in paperback and is available for purchase at McGill-Queen's University Press (MQUP): <http://mqup.mcgill.ca/book.php?bookid=2006>

A French translation of the book by Les Éditions Héritage Inc., "Octobre 1970: Dans les coulisses de la Crise", may be purchased from bookstores or by contacting Les Éditions Héritage Inc., at 514-875-0327.

Tetley's book, "Marine Cargo Claims IV Ed., 2008", is available for delivery and may be purchased from Éditions Yvon Blais, website: www.editionsyvonblais.com, email: editionsyvonblais.commandes@thomson.com.

"Marine Cargo Claims IV Ed.", 2008 was named co-winner (with Bradley Crawford Q.C. and his book "The Law of Banking and Payment in Canada") of the Canadian Bar Association "Walter S. Owen Book Prize". The prize was for the best book in law in the English language during the past two years in Canada.



JOANNIE
JACOB

10th EDITION OF THE WOMEN'S CAUCUS 5 À 7 SPEED-MEET EVENT

Le mardi 8 février, de 17h à 19h30, l'Atrium était très animé. Une quarantaine d'étudiantes en droit ainsi que quatre juges et 9 avocates étaient réunies pour participer à la dixième édition du 5 à 7 Rencontre du Caucus des Femmes (Women's Caucus) de la Faculté de droit de McGill. Il s'agissait de ma deuxième année consécutive à organiser cet événement et j'étais très contente de constater que, encore une fois, l'événement fut couronné de succès. Pour ceux et celles qui ne connaissent pas encore cet événement, j'espère que cet article vous convaincra de participer l'année prochaine!

The "5 à 7" speed-meet event is one of the McGill Law Women's Caucus' main initiatives and has become increasingly successful in past years. Moreover, we enjoy a fruitful collaboration with the Career Development Office (CDO) of McGill University and, for the past three years, with the Women in the Legal Profession Committee of the Bar of Montreal.

The 5 à 7 aims to offer a forum for female students to meet a variety of female lawyers practicing in different areas of law and ask them questions about their specific experiences. This year, the guests were: Louise Otis (retired judge of the Court of Appeal of Quebec and specialist in mediation), Hélène de Kovachich (resident and Chief Administrative Judge of the Tribunal Administratif du Québec), Pierrette Sevigny (retired judge of the Superior Court of Quebec), Prachi Shah (lawyer at Nicholl Paskell-Mede in litigation and insurance), Cari Davine (Director of Legal Affairs at Muse Canada), Carol A. Fitzwilliam (owner at Fitzwilliam Legal Recruitment, attorney at CA Fitzwilliam), Michèle Moreau (Executive Director of Pro Bono Québec), Pascal Pageau (President and founder of Delegatus Services Juridiques), Mara Greenstone (lawyer at

Goldstein, Flanz & Fishman), Sara Henningsson (provincial Crown Prosecutor), Chantal Massé (Contentieux of Cour Municipale de Montréal) and Me Robin Schiller (partner at Handelman, Handelman & Schiller). I was very impressed by the devotion of the guests, and their time and presence was very much appreciated. Dean Daniel Jutras also came at the beginning to chat with the guests.

The speed-meet portion of the event started at 5:30 pm and consisted of rotating discussions of about ten minutes each. The students were seated in groups and sat at eight tables in the Atrium. During this time, guests shared their stories and answered questions about their particular experiences and the challenges they faced as women working in their respective fields. The setting allowed for a more intimate atmosphere for conversation. Every participant benefited a great deal from the lawyers' personal stories as to how they ended up in their respective fields of law, their views on the exodus of women from private practice, and their advice on maintaining a work-life balance. This event was also valuable due to the contacts and mentors it helped foster for students.

Cette année, le buffet qui a été servi aux invités et participants venait de la Part du Chef, qui fait parti du Groupe Part, un organisme qui favorise l'insertion socioprofessionnelle de personnes aux prises avec un problème de santé mentale ou d'ordre psychosocial (<http://www.groupepart.ca/>).

If you are interested in helping plan the next Speed-Meet Event, please contact the Women's Caucus at law.womenscaucus@gmail.com

Commentaire d'une participante:

J'étais impatiente d'assister, mardi 8 février, au "speed-meeting" organisé par Women's Caucus. Les biographies de plusieurs des avocates envoyées auparavant avaient retenu mon attention: des parcours variés et inspirants, d'avocates confirmées ou plus jeunes, mais déterminées et manifestement brillantes. J'avais quelques questions à leur poser, relatives notamment au choix du droit du travail pour certaines, aux compétences à développer pour la médiation à d'autres. Le temps imparti avec chacune était court, souvent trop court, mais la plupart ont tenu à nous partager un mot-clé, quelque chose de profond qui les a guidées et qui les inspire encore. Ainsi, l'honorable Hélène de Kovachich nous a laissées avec les mots de "PASSION" (pour toute notre carrière, ce que nous entreprenons et ce dans quoi nous nous lançons) et d' "ÉCOUTE" (pour la pratique de médiation: les vrais besoins des clients ne sont souvent pas juridiques, mais en les écoutant attentivement, nous pouvons aménager des solutions juridiques pour y répondre). Me Chantale Massé a insisté sur l'importance de lire, une fois le titre d'avocate en poche: devenir cultivée en droit, dans son champ de spécialisation ainsi que dans les domaines connexes du droit, est essentiel pour rester à jour, par exemple pour savoir quoi répondre à un juge qui pose des questions inattendues et surprenantes. La jeune avocate Me Prachi Shah (Barreau 2008) nous a rappelé combien il était important d'apprécier ceux avec qui nous travaillons.

Je n'ai pas vu passer les deux heures durant lesquelles a duré la valse des avocates de table en table.

- Anne-Claire Gayet, 1L -

GRAD COMMITTEE

GRAD BAL - BAL DES FINISSANTS

Your Graduation Committee is pleased to announce that this year's Graduation Ball will be held on March 31st, 2011 at The Rialto Theatre, a National Historic Site of Canada!



Le bal commencera à 20h30. Nous allons avoir un bar ouvert jusqu'à 0h30. Les billets coutent \$40 et seront mis en vente bien-tôt.

IS THIS YOUR GRAD BALL?

GRADUATING THIS MAY? Congrats! Obvi this is your ball!

GRADUATING THIS AUGUST OR DECEMBER? C'est aussi votre bal des finissants! While you can party with next year's group, you're probably more attached to this cohort.... and do you really want to have to pay attention to Notice Board next spring (when you're no longer a student) to find out when the ball will be?? Soyez-y avec nous le 30!

GRADUATING IN MAY 2012? Le choix est le votre (you're more than welcome to come party with us!) mais on vous encourage de assister au bal de 2012 !

N'hésitez pas à nous contacter si vous avez des questions.

Au plaisir de vous voir le 31 mars!

Your Graduation Committee (2010-2011)

Charlie Feldman, Viviane Lentz, Tim Bottomer, Firas Ayoub

LAW LIBRARY

NEWS FROM YOUR LIBRARY

In this column, we would be delighted to answer all your library-services-related questions. Please send your questions to Svetlana Kochkina svetlana.kochkina@mcgill.ca, Liaison Librarian Nahum Gelber Law Library.

—New group study room is available at the Law Library

We have relocated our microform collection in the Law Library basement, and now the former ground floor A/V room is temporary made available for booking (pending renovations). This study room can be booked for groups up to six persons.

—Reminder: Extended Study hours will be offered starting March the 7th (Monday)

Monday - Thursday Services 9:00 - 21:45

Extended study hours 21:45 - 1:45

Friday Services 9:00 - 19:45

Extended study hours 19:45 - 1:45

Saturday - Sunday Services 10:00 - 19:45

Extended study hours 19:45 - 1:45

For the Easter holidays opening hours please check our website <http://www.mcgill.ca/library/library-using/branches/law-library/>

—New law e-books available at Martinus Nijhoff e-books collections

Now, we have access to two very interesting collections of e-books published by Brill: Human Rights and Humanitarian Law (198 titles) and International Law (206 titles). A direct link to those collections will be available shortly on the Law Library page. However now you can access the collection by following this link http://www.nijhoffonline.nl/browse_subjects



— SOQUIJ offers 7 free RSS feeds

7 RSS feeds are available now on the SOQUIJ website: À l'agenda, Nouvelles et communiqués, Nouveautés AZIMUT, Décisions à la une, Articles, Chroniques linguistiques, and Trouver une décision : Avis. For more information on the topic, follow the link À signaler from SOQUIJ home page <http://soquij.qc.ca/fr/a-sigaler/nouvelles-et-communiques>.

To anybody who is new to the RSS feeds, we could recommend a very good video tutorial RSS in Plain English at: http://www.commoncraft.com/rss_plain_english

LSA AÉD

Droit McGill Law

SKIT NITE 2011



Club Soda
MARCH 15th 2011

\$15
Pré-vente
(\$20 à la porte)

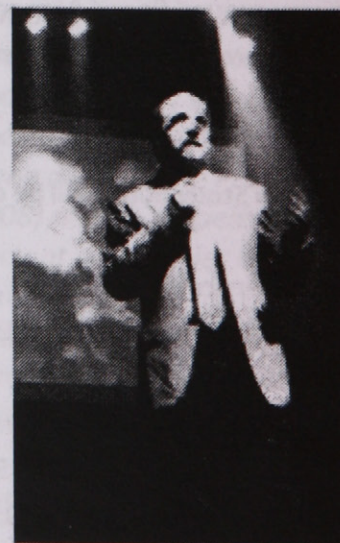
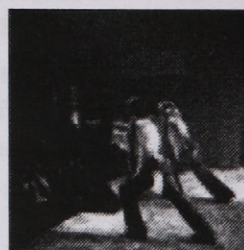
CLUB SODA

1225 St Laurent

show starts at **7:30pm**
(doors open at 6:30pm)

Presented by our official partner:

Blakes





Club

13 DAYS OF EVENTS IN HONOUR OF ABORIGINAL WOMEN

Aboriginal Law Association Presents:

13 DAYS OF EVENTS IN HONOUR OF ABORIGINAL WOMEN
Tuesday, March 8th to Sunday, March 20th 2011

13 days of events, spanning over the 13 days following International Women's Day! Aiming to raise awareness about missing and murdered women, and to celebrate aboriginal women in general.

Attend, spread the word, and self-inform!

Reports estimate that between 583 - 3000 indigenous women have gone missing or have been murdered in Canada since the 1980s. Indigenous and non-indigenous women continue to go missing every day. These disappearances often remain unreported, under-investigated, and unsolved.

Events include (See individual event postings for more info):

Tuesday, March 8, all day:

Celebrating our Sisters Photo Exhibit

Bring pictures of the women in your life and contribute to the display celebrating International Women's Day!
All photos will be returned at end of display.

Thursday, March 10, 6-8p.m.:

"Stolen Sisters: A critical discussion about missing and murdered aboriginal women in Canada" with Craig Benjamin (Amnesty International Canada), David Hugill (author of Missing Women, Missing News), Gladys Radek and Bernie William Poitras (Walk4Justice). Moderated by Professor Colleen Sheppard, Director of the McGill Centre for Human Rights and Legal Pluralism.
-McGill Faculty of Law, 3644 Peel Street, New Chancellor Day Hall, room 312-316

Monday, March 14, 10-11:30a.m.:

"A Solidarity Teach-In: Fighting Systemic Violence Against Native Women in Canada," facilitated by Missing Justice.
-McGill First Peoples' House, 3505 Peel St
<http://www.missingjustice.ca/>

Monday, March 14, 5:30-7:00p.m.:

Film Screening of "Finding Dawn," a compelling documentary that puts a face to the issue of missing and murdered women.
-McGill Faculty of Law, 3644 Peel Street, Moot Court.
<http://www.onf-nfb.gc.ca/eng/collection/film/?id=52581>

Tuesday, March 15, 5-7pm.:

Spoken Word Performance and Workshop with Moe Clark:

"Voicing the Earth Body," an introduction to sound scape creation and the looping pedal.

-Yellow Door, 3625, Rue Aylmer

<http://www.facebook.com/event.php?eid=205379499477035>

Tuesday, March 15, 8:30-9pm.:

Health on Earth Radio Show, with special guests -

Tune in to McGill's campus radio station, CKUT 90.3 fm!

<http://www.ckut.ca/listen.php>

Wednesday, March 16, 2-4:30p.m.:

Film Screening of "For the Next 7 Generations," the story of the International Council of Indigenous Grandmothers.

-McGill Faculty of Law, 3644 Peel Street, New Chancellor Day Hall, room 102.

<http://www.forthenext7generations.com/>

Friday, March 18, 2p.m.:

Empty Shoe Vigil in front of the Parliament buildings (Ottawa) with speakers Kristen Gilchrist, Bridget Tolley and Lindsay Mossman.

-Bus departing McGill Faculty of Law at 9:30am, Vigil at 2 pm (Ottawa).

<http://www.facebook.com/event.php?eid=182431998466835>

Sunday, March 20, 6p.m.:

"Mamu Chu Chi Nan- Fundraising Dinner for the Native Women's Shelter of Montreal." (Tickets for a minimum donation of \$75)

-Restaurant Le Nouveau Palais, 281 Bernard Ouest.

<http://www.facebook.com/event.php?eid=156175114435915>

This 13-day program of events is being organized in collaboration with student-led organizations at McGill's Faculty of Law (Aboriginal Law Association, Human Rights Working Group, Women's Caucus, KANATA, Nurses for Global Health), the McGill Centre for Human Rights and Legal Pluralism, the First Peoples' House, the Aboriginal Health Interest Group, and Montreal community groups (Missing Justice, Native Women's Shelter of Montreal, CKUT).

**CHARLIE
FELDMAN**

In-House Diva

DROIT À L'IMAGE

Howdy everyone -
Hope you had an enjoyable Reading Week! Soon enough this section will transition to Thomas' care and control, but in the interim you can continue to send items my way: quid.charlie@gmail.com

Have a great week and be sure to get a ticket for Skit Nite!!!
-Charlie

...disons...

Just before Reading Week, we set a NEW RECORD for most submissions of the same quote. No, I won't bore you with the syntax and typographical variations, but... thanks to the 15 of you who (via Facebook, McGill e-mail, g-mail, in person, and text message) let me know that Prof. Jukier told a failed joke in JICP and followed it up with:

Prof. Jukier: ... I need Charlie Feldman back here. I'm developing a complete inferiority complex!

Of course, we love Prof. Jukier and her jokes, oh ... and we love a shout-out! :-)

OH, and Prof. Gold issued me a challenge to get quotes from him this semester, so please, spies, speak up!

Prof. Fox-Decent: Courts are like weddings and trains. They don't wait for you if you are late.

Prof. Fox-Decent: ... And that's why I'll never go strawberry picking again!

Prof. Fox-Decent: If you ever want to tick people off at cocktail parties, tell them about this case.

Prof. Sheppard: What time is it? [30 min left to the class]... I'm ready for reading week already!

Prof. [Redcated, Civil Law Property]: It's a class where we talk about private parts and promiscuity!

Prof. Moyse: La superficie est la réaction aux injustices que peut créer l'accession, ce mécanisme cannibale qui mange tout.

2L: So, wait, if there are multiple judges how do I say it? Your Lordships and Ladyships?

Prof. Janda: Well, the plural of 'ship' is flotilla, so you may address us as 'My Flotilla'.

Prof. Jukier: Like my son says, do you want a kick in the head or a kick in the stomach? [on the balance of convenience test]

Prof. Smith: If your question is "can I do this with a trust?" the answer is nearly always "yes"!

Prof. Smith [discussing misuse of trust property]: It's almost always the lawyer - [in this case] he had a gambling problem. All lawyers do.

3L: ... they call experts.

Prof. Jukier: People like me!

Prof. Jukier: We're suspending reality so I can teach you!

Prof. Dedek: What is a servitude?

1L: It's a dismemberment of the right of property.

Prof. Dedek: That sounds gruesome.



Pour l'Amérique du Nord, et à partir de 2007, l'heure d'été estivale débute dans la nuit du deuxième dimanche de mars (cette année c'est le 13 mars).

PREPARE TO LOSE AN HOUR OF SLEEP!

**20% INCREASE IN QUID TYPOS EXPECTED
AS A RESULT!!!!!!!**

**Cover image: The Fashion Show - great job everyone!
We would have more but we're trying to save trees this week, for a change! :-P BONNE SEMAINE TLM!**